IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CONTEMPT PETITION NO.65 OF 2004

IN

CHAMBER SUMMONS NO.555 OF 2001

WITH

CHAMBER SUMMONS NO.609 OF 2001

WITH

NOTICE OF MOTION NO.3419 OF 2000

WITH

NOTICE OF MOTION NO.1175 OF 2001

WITH

NOTICE OF MOTION NO.1612 OF 2001

IN

SUIT NO.4913 OF 2000

Majid Ahmed Oomerbhoy ...Petitioner

v/s

Rashid Sattar Oomerbhoy and ors. ...Respondents

Mr J.P. Sen i/b M/s Thakore Jariwalla and Associates for Petitioner.

Mr Jay Chinoy with Mr Rahul Chitnis and Ms T. Sania i/b M/s S.K. Srivastav and Co. for Respondents.

CORAM : D.K. DESHMUKH J.

DATE : 28TH FEBRUARY 2007.

P.C. :-

1. Mr Chinoy, learned counsel appearing for the respondents as also for M/s R.R. Oomerbhoy Pvt.Ltd. has produced affidavit of the respondents. Alongwith the affidavit, he has produced a resolution passed by the Board of Directors of M/s R.R. Ommerbhoy Pvt.Ltd. (hereinafter referred to as the said Company) saying that the Company does not claim any interest in flat No.5, Second Floor, Soona Mahal, Marine Drive, Mumbai 400 020 and that they are merely using the flat for their office as the respondents have permitted them to do so.

2. The learned counsel has further stated that the respondents and the Company will take steps immediately to have the electric meter of that flat retransferred in the name of M/s Ahmed Oomerbhoy, partnership firm, which is the owner of the flat.

3. The learned counsel further states that the respondents and the Company will write to the Co-operative Society in whose building the flat is

situated, to remove the name of the Company from the notice board of the Society and showing the partnership firm as owner of the flat.

4. The learned counsel further states that the Company will not carry on any correspondence with the Society and that any correspondence that may have been exchanged by the Company with the Society in relation to the flat would be handed over to the Receiver, who is appointed by this Court as Receiver of M/s Ahmed Oomerbhoy, partnership firm.

5. In view of the affidavit and the above statements made by the learned counsel appearing for respondents, which are accepted by this Court, in my opinion, it is not necessary to take any further action in this contempt petition. Contempt petition is disposed off.

. Parties to act on the copy of this order duly authenticated by the Associate / Private Secretary as true copy.

. Certified copy expedited.